



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

[www.state.nj.us/health](http://www.state.nj.us/health)

JAMES E. MCGREEVEY  
Governor

CLIFTON R. LACY, M.D.  
Commissioner

December 27, 2002

Mr. Vince Robbins, President  
M.O.N.O.C. - Mobile Intensive Care Program  
151 Industrial Way East, Building C  
Eatontown, New Jersey 07724

Re: **Notice of Proposed Assessment of Penalties:**  
**Mobile Intensive Care Program**  
Investigation Control # 02-A-021

Dear Mr. Robbins:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of N.J.S.A. 26:2K-7, et seq., which governs the provision of advanced life support services within the State of New Jersey. This law establishes a scheme that permits a hospital, once approved, to develop and maintain a mobile intensive care program and to provide advanced life support services utilizing licensed physicians, registered professional nurses trained in advanced life support and certified Emergency Medical Technician -Paramedics. In furtherance of this statutory scheme, the Department of Health and Senior Services has adopted regulations that govern the administration and operation of these mobile intensive care programs. See, N.J.A.C. 8:41-1.1, et seq.

On February 19, 2002 staff of this Department's Office of Emergency Medical Services (OEMS) was made aware of an occurrence in which EMT-Paramedics (EMT-P) employed by MONOC's Mobile Intensive Care Program acted outside their scope of practice. This incident was appropriately reported by MONOC and has to do with EMT-P Iazzetta's actions at the scene of a motor vehicle accident, which occurred on October 8, 2001. In this case, the MICU was cancelled once on location by the basic life support unit for insufficient patient injury. While on location, EMT-P Iazzetta was approached by an Englishtown Police Officer who asked him to draw a patient's blood for the purpose of determining her blood alcohol level. The Englishtown Police Officer supplied the kit for obtaining this blood sample. While drawing blood is one of the skills and procedures that is within the scope of practice for an EMT-P (see N.J.A.C. 8:41-7.2(a)2), drawing a patient's blood for the purpose of determining blood alcohol levels to be solely used for legal purposes is strictly prohibited pursuant to N.J.A.C. 8:41-7.7(a).

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December 27, 2002

In addition, pursuant to N.J.A.C. 8:41-7.7(a), “[n]o blood drawn by the MICU shall be provided to any law enforcement agency, except under the order of a court of competent jurisdiction.” EMT-P lazzetta’s actions on October 8, 2001 in drawing blood for the sole purpose of determining blood alcohol levels to be used for legal purposes was a violation of N.J.A.C. 8:41-7.7(a).

In addition, EMT-P lazzetta or his partner did not complete a patient care report when physical or verbal patient contact was made. It is required in N.J.A.C. 8:41-9.5(a) that “a medical record form to be utilized to document each instance when physical or verbal contact is made with a patient.”

Pursuant to N.J.A.C. 8:41-2.7(c), violation by an individual of any portion of N.J.A.C. 8:41-1.1 et seq. may be cause for action against the individual, including, but not limited to, reprimand, probation, suspension of certification, revocation of certification, fines, or any combination thereof. Therefore, in accordance with N.J.A.C. 8:41-2.7(c), this Department has proposed to place EMT-P lazzetta on probationary status for a period of six months. The disciplinary actions shall take effect at immediately upon receipt of our letter unless EMT-P lazzetta choose to invoke his respective rights to administrative hearings to contest the proposed disciplinary actions.

That said, please be advised that in addition to the actions proposed against EMT-P lazzetta, I am also holding MONOC – Mobile Intensive Care Program accountable for its role in the October 8, 2001 incident. Specifically, I find as follows:

1. MONOC – Mobile Intensive Care Program EMT-P John lazzetta violated N.J.A.C. 8:41-7.7(a) when he drew a patient’s blood for the sole purpose of determining blood alcohol levels to be used for legal purposes.
2. MONOC – Mobile Intensive Care Program violated N.J.A.C. 8:41-9.5(a) when they failed to complete a patient care record after making verbal or physical contact with a patient.

Pursuant to N.J.A.C. 8:41-2.7(b), violation by a Mobile Intensive Care Program of any portion of N.J.A.C. 8:41-1.1 et seq. may be cause for action against the program, including, but not limited to, reprimand, placing of conditions for continued operation of a program, suspension of license, revocation of license, fines, reassignment of medical command or any combination thereof. I find that in this case, the imposition of a monetary penalty is the appropriate disciplinary action. Therefore, in accordance with N.J.A.C. 8:41-2.7(b) and N.J.S.A. 26:2K-15, MONOC is hereby assessed a penalty in the amount of \$200.00 for each of the violations noted above, for a total penalty in the amount of \$400.00.

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M.O.N.O.C. - Mobile Intensive Care Program  
December 27, 2002

A certified check or money order in the amount of \$400.00, made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this Notice. In accordance with N.J.S.A. 26:2K-15, failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey pursuant to the Penalty Enforcement law (N.J.S. 2A:58-1, et seq.). Payment should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Emergency Medical Services  
P.O. Box 360, 50 E. State Street  
Trenton, NJ 08625-0360  
Attn: Susan Way

Pursuant to N.J.A.C. 8:41-2.8, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the charges noted above. In the event that you request a hearing, this penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Legal & Regulatory Affairs  
P.O. Box 360, Room 805  
Trenton, NJ 08625-0360  
Attn: Mrs. Carole Slimm

Please include the control number noted above 02-A-021 on all of your correspondence. **Finally, please note that failure to submit a request for a hearing within thirty days of this letter shall render this Notice final, and the entire \$400.00 shall be immediately due and payable.** If you have any questions concerning this matter, please do not hesitate to contact Mr. Charles McSweeney or Ms. Karen Halupke of my office at (609) 633-7777.

Sincerely,

Susan Way  
Director  
Office of Emergency Medical Services

Mr. Vince Robbins, President  
M.O.N.O.C. - Mobile Intensive Care Program  
December 27, 2002

c: Mr. Jeff Behm, Director of Operations  
MONOC – Mobile Intensive Care Program  
Dr. Mark Kimmemmer, D.O., Medical Director  
MONOC – Mobile Intensive Care Program  
Mrs. Slimm, L&RA  
Ms. Halupke, OEMS  
Mr. McSweeney, OEMS  
Mr. Robert Clawson, OEMS

REGULAR U.S. AND  
CERTIFIED MAIL #70010360000191587721  
***RETURN RECEIPT REQUESTED***